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TECHNOLOGY CENTER R3700

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PATENTS
Attorney Docket No. 593/005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s) : Thomas E Borillo et al.
Application No. : 09/960,749 Confirmation No.: 5029
Filed : September 21, 2001
For : APPARATUS FOR IMPLANTING DEVICES IN ATRIAL
APPENDAGES
Group Art Unit : 3738
Examiner : Jessica R. Baxter

Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

New York, New York
March 7, 2003

REPLY TO OFFICE ACTION

Sir:

Applicants hereby reply to the Office Action dated February 11, 2003. The Office Action does not address the merits of the above-identified patent application, but requires that the application be restricted to one of four inventions.

Summary of Office Action

Claims 1-38 are pending in the above-identified patent application.

The Examiner has determined that there are four different inventions claimed in the above-identified patent application, and requires applicants to elect one of the four inventions for prosecution of the application.

The Examiner identifies the inventions I, II, III and IV, by claim groups as follows:

- I. Claims 1-8, drawn to a catheterization apparatus, classified in class 606, subclass 191;
- II. Claims 9-16, drawn to method for establishing a transseptal conduit classified in class 604, subclass 194;
- III. Claims 17-27, drawn to a catheterization apparatus, classified in class 604, subclass 96.01; and
- IV. Claims 28-38, drawn to a method for implanting a device in an atrium's appendage, classified in class 604, subclass 104.

The Examiner states that various pairs of the four inventions are either unrelated, or related as combination and subcombination, or related as process and apparatus for its practice.

Applicants' Reply

Applicants provisionally elect, with partial traverse, for initial substantive examination in this application, invention IV that is identified by the group of claims 28-38. Applicants request reconsideration of the restriction requirement.

Applicants note that the groups of claims corresponding to inventions II and IV are respectively linked to the groups of claims corresponding to inventions I and III. For example, the group of claims 28-38 corresponding to invention IV, which are drawn to a method for implanting a device in an atrium's appendage, include claims 36-38 which involve establishing a transseptal conduit by the claimed method of invention II. Similarly, claims 25-27 link inventions I and III.

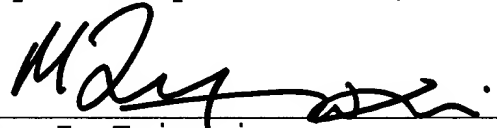
Applicants urge that the restriction requirement be modified to reflect this linking of invention pairs. In particular, applicants urge that claims 9-16 corresponding to invention II be considered along with claims 28-38 corresponding to invention IV that applicants have elected for initial substantive examination.

Applicants believe that the proposed modification of the restriction requirement does not impose a serious burden of search as the both the inventions in either linked pair are in the same class (either class 604 or 606, Office Action page 2).

Conclusion

Applicants have elected, with partial traverse, a single invention for examination as required by the Examiner. An early and favorable action is respectfully requested.

Respectfully submitted,



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Attorney Docket No. 593/005

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PATENT APPLICATION

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Application No. : 09/960,749 Confirmation No.: 5029
Filed : September 21, 2001
For : APPARATUS FOR IMPLANTING DEVICES IN ATRIAL
APPENDAGES
Group Art Unit : 3738
Examiner : Jessica R. Baxter

Hon. Commissioner for Patents New York, New York
P.O. Box 2327 March 7, 2003
Arlington, Virginia 22202

EXPRESS MAIL CERTIFICATION

Sir:

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Date of Deposit: March 7, 2003

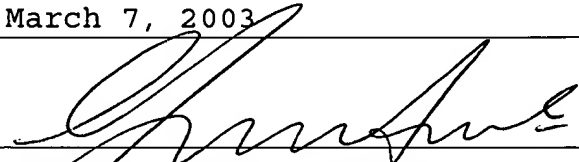
I hereby certify that this certification and the
following papers and fees:

1. Reply to Office Action dated February 11, 2003

are being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37
C.F.R. § 1.10 on the date indicated above and are
addressed to Hon. Commissioner for Patents, P.O. Box
2327, Arlington, Virginia 22202.

March 7, 2003

Name:


Charles J. Simon - now Commissioner